

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 25332 of 2005(N)

PETITIONER:

**BABY THOMAS, S/O.THOMAS, MUTHIRANCHICAL
HOUSE, THEKKEKKARA-POONJAR, POONJAR NADUBHAGAM
VILLAGE, MEENACHIL TALUK, KOTTAYAM DISTRICT.**

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS:

- 1. THE MEENACHIL EAST URBAN CO-OPERATIVE
BANK, REPRESENTED BY ITS SECRETARY NO.4260,
KOTTAYAM DISTRICT, POONJAR THEKKEKKARA.**
- 2. THE SPECIAL SALE OFFICER, MEENACHIL
EAST CO-OP.BANK, ASST.REGISTRAR OF CO-OP.SOCIETIES
(GENERAL) MEENACHIL, PALA.**

BY ADV. SRI.K.G.ANIL BABU

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WPC.NO.25332/2005 N

APPENDIX

PETITIONER'S EXHIBITS:

**EXT.P1: COPY OF THE JUDGMENT IN WP(C) 12622/04 BEFORE THIS
HON'BLE COURT.**

**EXT.P2: COPY OF THE SALE PROCLAMATION NOTICE DTD. 21/07/2005
ISSUED BY THE 2ND RESPONDENT.**

/TRUE COPY/

Kss

KURIAN JOSEPH, J.

W.P.(C) No.25332 of 2005

Dated 20th February, 2007.

J U D G M E N T

Petitioner approached this Court aggrieved by Ext.P2 proceedings for sale of his property. Learned counsel appearing for the Bank submits that steps have been taken to realise the dues in respect of the personal loan availed by the petitioner, on creation of an equitable mortgage. It is also submitted that sufficient indulgence was shown to the petitioner on two occasions earlier also, pursuant to the directions issued by this Court. Be that as it may, there is an interim order dated 25.8.2005 directing the petitioner to continue to remit at the rate of Rs.25,000/-. It is also made clear in the order that "if any of the deposit as aforesaid is not made, this order will stand recalled automatically". Learned counsel appearing for the Bank submits that the petitioner has not complied with the order. If so, being a self working order, it is for the Bank to pursue the proceedings from the stage it was stopped. However, it is made clear that the judgment shall not stand in the way of the petitioner approaching the Bank and closing the account by availing any of the schemes

for settlement. With the above observation, this writ petition is dismissed.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

W.P.(C)No. of 2002

J U D G M E N T

Dated 20th February, 2007.